

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PETER J. GOLDFINGER,

Plaintiff,

-against-

**WATERFRONT COMMISSION OF NEW YORK
HARBOR, THOMAS DE MARIA,
MICHAEL C. AXELROD, and
MICHAEL J. MADONNA,**

Defendants.

Civil Action No.: 08-01551 (VM)

**Rule 26 Disclosures Submitted on
Behalf of Defendants, Waterfront
Commission of New York Harbor,
Thomas De Maria, Michael C.
Axelrod and Michael J. Madonna**

Defendants, Waterfront Commission of New York Harbor (the "Commission"), Thomas De Maria, Michael C. Axelrod, and Michael J. Madonna (collectively, "Defendants"), by and through their attorneys, Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, hereby provide the following initial discovery disclosures pursuant to Rule 26 of the Federal Rules of Civil Procedure:

I. FED. R. CIV. P. 26(A)(1)(A): WITNESSES

[T]he name and, if known, the address and telephone number of individuals likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

DEFENDANTS' DISCLOSURE: Upon information and belief, the following individuals and/or parties to the instant action are likely to have discoverable information, including, but not limited to, information regarding, *inter alia*, legitimate, non-discriminatory reasons for the termination of the employment of Peter J. Goldfinger ("Plaintiff"). Defendants reserve the right to supplement this response up to and including the time of trial:

NAME	ADDRESS	TELEPHONE NUMBER
Thomas De Maria, The Commission's Former Executive Director	c/o Wilson, Elser, Moskowitz, Edelman & Dicker, LLP 150 East 42 nd Street New York, NY 10017-5639	212.490.3000
Michael C. Axelrod, The Commission's New York Commissioner	c/o Wilson, Elser, Moskowitz, Edelman & Dicker, LLP 150 East 42 nd Street New York, NY 10017-5639	212.490.3000
Michael J. Madonna, The Commission's New Jersey Commissioner	c/o Wilson, Elser, Moskowitz, Edelman & Dicker, LLP 150 East 42 nd Street New York, NY 10017-5639	212.490.3000
Joy Kelly, The Commission's Director of the Division of Law	c/o Waterfront Commission of New York Harbor 39 Broadway New York, NY 10006	212.742.9280
Jeffrey Schoen, The Commission's Assistant Director of the Division of Licensing and Employment Information Centers	c/o Waterfront Commission of New York Harbor 39 Broadway New York, NY 10006	212.742.9280
Lee Seeman, The Commission's Director of Information Technology	c/o Waterfront Commission of New York Harbor 39 Broadway New York, NY 10006	212.905.9223

II. FED. R. CIV. P. 26(A)(1)(B): DOCUMENTS

[A] copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

DEFENDANTS' DISCLOSURE: The categories and locations of all documents, data compilations and tangible things in Defendants' possession, custody or control that are relevant to the disputed facts alleged with particularity in Plaintiff's Complaint follow in the table below. Defendants reserve the right to supplement this response up to and including the time of trial:

CATEGORY	LOCATION
The entirety of the litigation files and documents maintained by Defendants, regarding and relevant to the allegations of the Plaintiff named herein.	Copies of the litigation file and documents are located at the offices of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, 150 East 42 nd Street, New York, NY 10017-5639. Copies, along with certain original documents, may also be located at the Commission's office, located at 39 Broadway New York, NY 10006.
Plaintiff's personnel file, including, but not limited to: Director's Personal Evaluation; Employee Performance Evaluation; Plaintiff's NYSDHR and EEOC Charge and Defendants' responsive Position Statement; Plaintiff's Amended NYSDHR and EEOC Charge and Defendants' supplemental Position Statement; Plaintiff's Right to Sue Letter issued by the EEOC; various internal emails, memoranda and other documents relevant to Plaintiff's performance.	Copies of documents relevant to Plaintiff's Employment, Performance and Termination are located at the offices of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, 150 East 42 nd Street, New York, NY 10017-5639. Copies, along with certain original documents, may also be located at the Commission's office, located at 39 Broadway New York, NY 10006.
Notes/Memoranda	Copies of Notes/Memoranda are located at the offices of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, 150 East 42 nd Street, New York, NY 10017-5639. Certain notes/memoranda may be privileged. Such documents will be set forth in a privilege log.
Other data, compilations, and tangible things	Certain other data compilations and tangible things are located at the offices of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, 150 East 42 nd Street, New York, NY 10017-5639. Copies, along with certain original data compilations and tangible things, may also be located at the Commission's office, located at 39 Broadway New York, NY 10006.

III. FED. R. CIV. P. 26(A)(1)(C): DAMAGES

[A] computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

DEFENDANTS' DISCLOSURE: Not applicable at this time, although Defendants reserve the right to supplement this response up to and including the time of trial.

IV. FED. R. CIV. P. 26(A)(1)(D): INSURANCE INFORMATION

[F]or inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment, which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

DEFENDANTS' DISCLOSURE: At all times relevant to this action, Defendants were insured under a Public Officials and Employment Practices Liability Policy, No. 673-53-44, issued by National Union Fire Insurance Company of Pittsburgh, PA., effective from August 29, 2006 to August 29, 2007, with an aggregate liability limit of \$2,000,000.00 and a \$25,000.00 deductible.

V. FED. R. CIV. P. 26(A)(2): EXPERT TESTIMONY

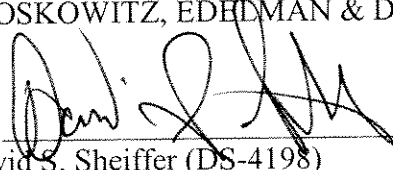
In addition to the disclosures required by paragraph (1), a party shall disclose to other parties the identity of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence.

DEFENDANTS' DISCLOSURE: Defendants have not yet retained any experts at this time. However, Defendants reserve the right to supplement this response up to and including the time of trial.

Dated: New York, New York
May 29, 2008

Yours, etc.,

WILSON, ELSER, MOSKOWITZ, EDLDMAN & DICKER LLP

By: 
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To: Valdi Licul
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Attorneys for Plaintiff
1501 Broadway - Suite 800
New York, New York 10036

CERTIFICATE OF SERVICE

I, Susan K. Slim, hereby certify that, on the 29th day of May, 2008, I caused true and accurate copies of the foregoing Defendants' Rule 26 Disclosures, to be served via overnight delivery and filed electronically via PACER, upon each of the persons listed below.

I further certify, under penalty of perjury, that the foregoing is true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

A handwritten signature in black ink, appearing to read "Susan K. Slim", is written over a horizontal line.

Susan K. Slim (SS-3785)

Dated: May 29, 2008

To: Valdi Licul
Attorney for Plaintiff
Vladeck, Waldman, Elias & Engelhard, P.C.
1501 Broadway - Suite 800
New York, New York 10036